



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,294	07/09/2003	Byung Jin Choi	P92/MII-44-26	1597
25108	7590	09/22/2005	EXAMINER	
MOLECULAR IMPRINTS, INC. KENNETH C. BROOKS PO BOX 81536 AUSTIN, TX 78708-1536			RAO, G NAGESH	
			ART UNIT	PAPER NUMBER
			1722	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/616,294

Applicant(s)

CHOI ET AL.

Examiner

G. Nagesh Rao

Art Unit

1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-17 and 20-23 is/are allowed.
- 6) ☒ Claim(s) 18 and 19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/9/03 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Drawings

1) The informal drawings are not of sufficient quality to permit examination, specifically Figure 12. Accordingly, replacement drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to this Office action. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action.

Applicant is given a TWO MONTH time period to submit new drawings in compliance with 37 CFR 1.81. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a). Failure to timely submit replacement drawing sheets will result in ABANDONMENT of the application.

Claim Objections

2) Claim 3 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 3 appears to be written in dependent form but fails

Art Unit: 1722

to limit the parent claim by failing to indicate whether it is dependent of claim 1 or 2 as shown in the line read by examiner, "The system as recited in claim wherein said first body..."

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3) Claim 18 is rejected under 35 U.S.C. 102(b) as being anticipated by Andre (WO 00/62993).

Examiner would like to note that Andre (US Patent No. 6,796,784) is being used as the English equivalent for Andre (WO 00/62993).

Andre 784 teaches in Figure 1 a system to varying dimensions of a template having opposed surfaces comprising a compression device including a pair of spaced-apart contact members (14 and 16), to compress said perimeter surface between said pair of spaced-apart contact members, with one of said pair of spaced-apart contact members being formed from a material to comply with a shape of said perimeter surface. Furthermore

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4) Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andre (WO 00/62993) in view of Kreutzer (US Patent No. 5,820, 894).

From the aforementioned Andre 784 teaches a system to varying dimensions of a template, but however fails to teach the use of a compression device generator.

In an apparatus pertaining compression molding, Kreutzer 894 teaches in the compression device a generator to create a force to cause said

perimeter surface to be compressed between said contact members and a force amplifier capable to increase an amount of said force per unit area on said one of said pair of contact members (See Pressure Source, Vacuum Pump, and Purge Gas Source which read on as a type of generator for a compression device, See Abstract and Cols 3-4, Lines 1-68).

It would be obvious to one skilled in the art to modify the teachings of Andre 784 with that of Kreutzer 894 in order to have a more constant automated means for force variation and amplification means for the contact members on the side of the mold.

Allowable Subject Matter

The following is a statement of reasons for the indication of allowable subject matter: Claims 1-10, 11-17, and 20-23. Please note claims 20-23 depend on claims 18-19 which are rejected, and therefore would be considered to be apart of the aforementioned rejection.

The following claims are considered potentially allowable subject matter because the prior art fails to teach "... a first body including an actuator arm, and a chamber disposed adjacent to said actuator arm, with one of said contact members being coupled to said actuator arm to move in response to movement of said actuator arm..."

Art Unit: 1722

Prior art such as Kreutzer (US Patent No. 5,820,894) and Carter (US Patent No. 4,492,554) that teach various elements that are comprised in their respective patents related to the applicant's claimed invention. However the two references are non-analogous art.

From the aforementioned Kreutzer 894 teaches a molding compression device as depicted in Figure 1, comprising a first and second bodies, each of which has a contact member (30 and 38) disposed opposite to each other and spaced apart a distance with a chamber formed between first and second bodies enclosing a bladder (44). However Kreutzer 894 fails to teach an actuator arm coupled to one of the bodies on said compression device to enable movement in response to variations of said volume to vary said distance.

Carter 554 teaches in Figure 2 on the movement of an upper mold section which reads on as a "body" as claimed by applicant, a depressing or lowering of the bladder upper wall (32) by a pressure exerted thereon by a pressure piston (47), reciprocally movable in a retaining cylinder (48). A push rod (49) for the pressure piston (47) has its upper end pivotally connected at 51 to a toggle linkage (52) that has a center pivot (53)

Art Unit: 1722

connected to a pneumatic actuating unit 54 of bellows type. However Carter 554 makes no mention of a contact member, since the hydraulic pressure piston is acting upon the bladder over the mold, instead of an actuator being in contact with a contact member which is encased around a bladder system.

Neither reference teaches the aspects as claimed by applicant and would not be obvious to modify one in view of the other.

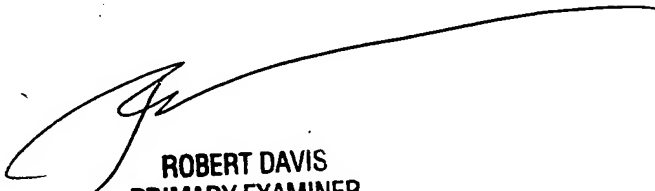
Any inquiry concerning this communication or earlier communications from the examiner should be directed to G. Nagesh Rao whose telephone number is (571) 272-2946. The examiner can normally be reached on 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1722

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GNR



ROBERT DAVIS
PRIMARY EXAMINER
GROUP 1300-1700

9/19/05